

From: Vincent Penquerc'h
To: Microsoft ATR
Date: 1/23/02 8:35am
Subject: Microsoft settlement

Dear Sirs,

I have to voice my opinion against the proposed settlement.

Having read different comments on the proposed settlement, and being myself a computer engineer (I in fact have been into computers for more than a decade), here are a few comments on the problems this settlement do not address.

The main focus of the original trial was the inclusion of Internet Explorer in Windows 95. After pretending the two could not be separated, they did separate those. Now, however, the new Windows XP includes Internet Explorer, an affront to the DOJ and the American Government.

This clearly shows the little respect Microsoft has for American Justice.

One of the companies that has suffered the most from this is Netscape Communications, which was offering a competing innovative browser. AOL, which now owns Netscape Communications, is now in a position to compete with Microsoft over the web services business and Internet services in general. This prompted Microsoft to use this tactic again with Windows XP. Not surprisingly, many AOL users have had difficulties connecting to AOL with Windows XP. Every company that gets in a position to compete with Microsoft is victim of the dominant position of chairman Bill Gates' firm to leverage the power of holding and misusing their monopoly on the operating system market. The current proposed settlement does nothing to ensure such a power can not be misused against AOL.

Being a computer engineer, I see some of the provisions in the proposed settlement as ludicrous in a technical point of view. The provision of disclosing APIs does absolutely nothing to help Microsoft's own software to take advantage of assumptions about its internal working. Such assumptions, which are not part at all of an API, are very important to the building of a stable and efficient system. Only a full source code disclosure and analysis can help overcome this problem.

Last, Microsoft has shown several times that it can and will simulate popular support. The last occurrence of this is a poll on ZDNet about the popularity of several web services solutions, including Microsoft's .Net and Sun Microsystem's Java. Microsoft even already used this strategem in this very trial.

For all these reasons, I believe that:

- The proposed settlement is utterly inefficient.
- The reactions in favor of Microsoft should be seen in light of their history of "popular support".
- Microsoft's monopoly is a major threat to the American software industry, as every day that passes raises the bar a competitor has to reach to have a chance.

Competition is what has made America what it is. Countries with only one dominating player, as in the communist block, have failed to achieve what America did. In a time of recession, it is even more urgent to restore competition in the software market.

Best regards,

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Vincent Penquerc'h

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